

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

Markus Kalekhman,

Plaintiff,

V.

**Tate & Kirlin Associates, Inc., and
Transworld Systems, Inc.**

Defendants.

Case No. 17-cv-4604

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1367 Defendant, Transworld Systems, Inc, (“TSI”), hereby removes the above captioned civil action from the Supreme Court of Queens County, New York, to the United States District Court for the Eastern District of New York. The removal of this civil action is proper because:

1. TSI is a defendant in a civil action filed by plaintiff, Markus Kalekhman (“plaintiff”), in the Civil Court of the City of New York, County of Queens, captioned as *Markus Kalekhman v. Tate & Kirin Associates, Inc., and Transworld Systems, Inc.*, Index No. CV-012868-17-QU (hereinafter the “State Court Action”).

2. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 TSI removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The Complaint in the State Court Action (hereinafter the “State Court Action Complaint”) asserts claims under the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, and the New York General Business Law (“NYGBL”) § 349.

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff’s FDCPA and TCPA claims pursuant to 28 U.S.C. § 1331.

5. This Court also has supplemental jurisdiction over plaintiff’s NYGBL claims pursuant to 28 U.S.C. § 1367.

6. Pursuant to 28 U.S.C. § 1446(b), TSI has timely filed this Notice of Removal. TSI received a Statement of Service by Mail requesting for waiver of service on June 14, 2017. TSI returned the waiver of service on July 6, 2017. This Notice of Removal is being filed within 30 days from effective service of the Complaint on TSI.

7. Tate & Kirlin Associates, Inc., a codefendant in this matter, has not made an appearance in the case.

8. Attached hereto as **Exhibit A** and incorporated by reference as part of this Notice of Removal is a true and correct copy of the Complaint filed in the State Court Action. No further proceedings have taken place in the State Court Action.

9. A copy of this Notice of Removal is being served upon plaintiff and codefendant Tate & Kirlin Associates, Inc., and filed concurrently with the Civil Court of the City of New York, County of Queens. *See Exhibit B*, attached hereto.

10. The Civil Court of the City of New York, County of Queens is located within the Eastern District of New York. Therefore, venue for purposes of removal is proper because the United States District Court for the Eastern District of New York embraces the place in which the removed action was pending. *See* 28 U.S.C. § 1441(a).

11. Removal of plaintiff's State Court Action is proper under 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Transworld Systems, Inc., hereby removes the State Court Action to this Honorable Court.

Respectfully Submitted,

/s/ Aaron R. Easley
Aaron R. Easley, Esq. (ae9922)
SESSIONS FISHMAN NATHAN & ISRAEL
3 Cross Creek Drive
Flemington, New Jersey 08822-4938
Telephone: (908) 237-1660
Facsimile: (908) 237-1663
E-Mail: aeasley@sessions.legal

Attorney for Defendant TSI

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2017, a copy of the foregoing **Notice of Removal** was electronically filed with the Clerk of the Court, United States District Court for the Eastern District of New York and served upon the following via E-mail:

Hashim Rahman, Esq.
155 Water Street
Brooklyn, NY 11201
hrahman@rahmanlegal.com
Attorney for Plaintiff

And to Tate & Kirlin Associates, Inc. by U.S. mail:

2810 Southampton Rd.
Philadelphia, PA 19154

/s/ Aaron R. Easley
Aaron R. Easley, Esq.